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CHOATE HALL & STEWART 6172484000

NO. 208 P. 22

BHJ/NMC



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,910	09/09/2003	Kenichi Chiba	2003946-0056 (AND/CIP)	5169

24280 7590 08/29/2006

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

EXAMINER

BALLS, ROBERT J

ART UNIT

PAPER NUMBER

1625

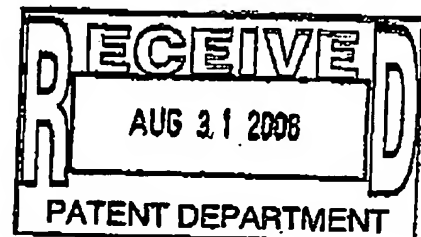
DATE MAILED: 08/29/2006

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Resp. Non Comp. Amend
Due 9.29.06
Final 2.28.07

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/657910

Applicant(s)

Examiner

BALLS

Art Unit

1625

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

The amendment document filed on 16 August 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: CANCELED CLAIMS 25, 26, 32, 34, 35, HAVE BEEN RESUBMITTED AS ORIGINAL.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Linda Humes

Legal Instruments Examiner (LIE), if applicable

571 272-0530

Telephone No.



CHOATE HALL & STEWART LLP

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Recipient	Company	Fax	Phone
Mail Stop Amendment (Examiner Robert J. Balls)	USPTO	(571) 273-8300	(571) 272-7997

From	Nadège M. Lagneau, Ph.D.	Number of Pages	23 (including this page)
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Date	September 19, 2006	Client Number	2003946-0056
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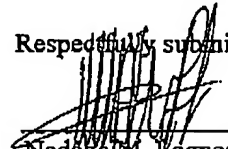
Phone	(617) 248-5150	Operator	Time Sent
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Comments	Applicant : Chiba, <i>et al.</i>	Examiner : Robert J. Balls
	Serial No. : 10/657,910	Art Unit : 1625
	Filed : September 9, 2003	
	For : MACROCYCLIC COMPOUNDS USEFUL AS PHARMACEUTICALS	

In response to the Notice of Non-Compliant Amendment mailed August 30, 2006 for the above-identified patent application, enclosed are:

1. Transmittal (1 pg);
2. Response to Notice of Non-Compliant Amendment Under §37 CFR 1.121 (19 pp);
3. Copy of Notice of Non-Compliant Amendment mailed August 30, 2006 (2 pp); and
4. This Facsimile Cover Sheet (1 pg).

Respectfully submitted,


Nadège M. Lagneau, Ph.D.
Reg. No. 51,908

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ATTORNEY DOCKET No.: 2003946-0056 (ANDI-001-C1US)

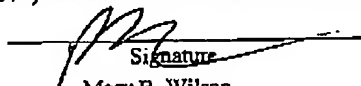
SEP. 19 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chiba, *et al.* Examiner: Robert J. Balls
Serial No.: 10/657,910 Art Unit: 1625
Filing Date: September 9, 2003
Title: MACROCYCLIC COMPOUNDS USEFUL AS
PHARMACEUTICALS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Certificate of Facsimile Transmission Pursuant to 1096 OG 30-31	
I hereby certify that this correspondence is being facsimile transmitted to the US Patent & Trademark Office (571) 273-8300 on the date indicated below.	
September 19, 2006 Date	 Signature
Mary B. Wilson Typed or Printed Name of person signing certificate	

TRANSMITTAL LETTER

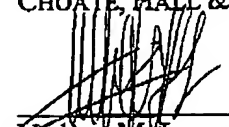
Enclosed for filing in the above-referenced patent application, please find the following documents:

1. Response to Notice of Non-Compliant Amendment Under §37 CFR 1.121
(19 pp);
2. Copy of Notice of Non-Compliant Amendment mailed August 30, 2006 (2 pp);
and
3. Facsimile Cover Sheet (1 pg).

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,
CHOATE, HALL & STEWART LLP

Date: September 19, 2006


Nadège M. Lagneau
Reg. No. 51,908

PATENT DEPARTMENT
CHOATE, HALL & STEWART LLP
Two International Place
Boston, Massachusetts 02110
Telephone: (617) 248-5000
Facsimile: (617) 248-4000

U.S.S.N: 10/657,910
4124127v1

Page 1 of 1

Attorney Docket No.: 2003946-0056
Client Reference No.: ANDI-001-C1US